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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 KENNETH DEAN DAWSON,

No. CIV S-04-1211-MCE-CMK

12 Plaintiff,

13 vs.

ORDER

14 LOPEZ, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. On August 26, 2004, the court dismissed plaintiff's complaint with leave to
19 amend and also directed plaintiff to submit either a completed application to proceed in forma
20 pauperis or pay the filing fee. Plaintiff filed an amended complaint on September 21, 2004.
21 Plaintiff has not, however, paid the filing fee for this action or submitted a completed application
22 to proceed in forma pauperis.


23 In addition, on March 24, 2005, court orders served on plaintiff at his address of
24 record were returned as undeliverable. The court thereafter issued findings and recommendations
25 on April 5, 2005, that this case be dismissed for lack of prosecution based on plaintiff's apparent
26 failure to keep the court apprised of his current address. The April 5, 2005, findings and

1 recommendations were also returned as undeliverable. A review of the court's docket reflects
2 that plaintiff filed a notice of change of address on July 5, 2005. Therefore, in the interest of
3 justice, the April 5, 2005, findings and recommendations will be vacated. Plaintiff will, however,
4 be required to comply with the remainder of the court's August 26, 2004, order and submit either
5 the filing fee for this action or a completed application to proceed in forma pauperis. The court
6 will address plaintiff's amended complaint upon compliance with the court's orders.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations issued April 5, 2005, are vacated;
- 9 2. Within 30 days of the date of service of this order, plaintiff shall pay the
10 full filing fee for this action or submit a completed application to proceed in forma pauperis,
11 accompanied by the required declaration and certification; and
- 12 3. The Clerk of the Court is directed to forward to plaintiff the court's form
13 application to proceed in forma pauperis.

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15 DATED: October 12, 2005.

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18 **CRAIG M. KELLISON**
19 UNITED STATES MAGISTRATE JUDGE
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